

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARL BENTLY MARION II,

Plaintiff,

v.

EDGAR OREGEL, et al.

Defendants.

Case No. 1:24-cv-00872-KES-SKO

**ORDER CONTINUING DEADLINE TO
FILE PROOF OF SERVICE ON
PLAINTIFF AND DIRECTING CLERK
TO SERVE ATTORNEY HAYDEN**

(Docs. 14, 15, 16)

The Court is in receipt of Counsel for Plaintiff, Michael R. Hayden, Esq.’s “Proof of Service of Receiving Order Denying, Without Prejudice, Motion to Withdraw.” (Doc. 15.) Based on this filing, the Court issues this order to clarify its prior order and to extend the deadline to file a proof of service of the Court’s November 19, 2025 Order on Plaintiff.

The Court advises Attorney Hayden that consistent with the Court’s November 19, 2025, order and contrary to his representation in the exhibit attached to his most recent filing, (*see* Doc. 15 at 4 (“The Court will not let me withdraw without a UTP lawyer coming on.”)), the Court would entertain another motion to withdraw that complies with the Local Rules, (*see* Doc. 15 at 4 (“If Attorney Hayden elects to renew his motion to withdraw from representing Plaintiff, the renewed motion must comply with Local Rule 182 and Rule of Professional Conduct 1.16.”))).

The Court further advises Attorney Hayden that if Unite the People intends to substitute counsel—consistent with the Court’s November 19, 2025 order and contrary to his representation

1 in the exhibit attached to his most recent filing, (*see id.* (“I expect to see a motion for substitution of
2 counsel.”))—a substitute attorney may file an appearance without leave of Court. *See* Eastern
3 District of California Local Rules 182(b), (d). Attorney Hayden would then be free to withdraw
4 without leave of the Court. *See id.*; (Doc. 15 at 4 n.2 (“Alternatively, if Unite the People, Inc.
5 identifies a substitute counsel for Attorney Hayden, that attorney may file an appearance, and
6 Attorney Hayden may thereafter withdraw without leave of the Court. *See* Local Rules 182(b),
7 (d).”). Put simply, if another attorney associated with Unite the People entered an appearance, no
8 motion practice would be necessary to entitle Attorney Hayden to withdraw.

9 Further, in light of Attorney Hayden’s representations regarding his lack of access to
10 Plaintiff’s client file, (*see* Doc. 16 at 1), the Court will *sua sponte* and *nunc pro tunc*, **CONTINUE**
11 the deadline by which Attorney Hayden, or substitute counsel with a new appearance entered on the
12 record on behalf of Plaintiff, is to file proof of service of this motion on Plaintiff **by no later than**
13 **December 3, 2025. Failure to comply with this order may be grounds for the imposition of**
14 **sanctions on any and all counsel as well as any party or parties who cause non-compliance**
15 **with this order.**

16 Finally, consistent with Local Rule 182(f), Attorney Hayden is ORDERED to update his
17 contact information on the docket to ensure that he receives any future filing without the use of
18 alternative service. The Court DIRECTS the Clerk to serve Attorney Hayden at the following email
19 address that is listed on Attorney Hayden’s California State Bar profile: michael@hayden-law.com.

20
21 IT IS SO ORDERED.

22 Dated: **November 25, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE